

**WAC 246-976-490 Suspension or revocation of designation.**

The Administrative Procedure Act, chapter 34.05 RCW, and chapter 246-10 WAC govern the process of suspending or revoking trauma service designation.

- (1) The department may suspend or revoke your trauma service designation if the designated facility and/or any owner, officer, director, or managing employee:
  - (a) Is substantially out of compliance with the requirements of this chapter and chapter 70.168 RCW, and has been unable or unwilling to comply as required by the department;
  - (b) Makes a false statement of a material fact in the application for designation, or in any record required by this chapter, or in a matter under investigation;
  - (c) Prevents, interferes with, or attempts to impede in any way, the work of a representative of the department in the lawful enforcement of this chapter or chapter 70.168 RCW;
  - (d) Uses false, fraudulent, or misleading advertising, or makes any public claims regarding the facility's ability to care for nontrauma patients based on its trauma care designation status;
  - (e) Misrepresents or is fraudulent in any aspect of conducting business.
- (2) The department will use the following process to suspend trauma service designation:
  - (a) The department will notify you in writing if it intends to suspend your designation. It will send the notice at least twenty-eight days before it takes action, unless it is a summary suspension as provided for in the Administrative Procedure Act. The notice will include the reasons for the action, and describe your right to a hearing to contest the department's notice of intent to suspend your designation. If you request a hearing within twenty-eight days of the date the notice was mailed to you, a hearing before a health law judge will be scheduled. If you do not request a hearing within twenty-eight days of the date the notice was mailed to you, the suspension becomes final.
  - (b) You may submit a plan to the department within twenty-eight days after service of the department's notice of intent to suspend your designation, describing how you will correct deficiencies. The department will approve or disapprove your plan within thirty days of receiving your plan. If the department approves your plan, you must begin to implement it within thirty days. You must notify the department when the problems are corrected. When you have shown the department that you are meeting the requirements of chapter 70.168 RCW and this chapter, which may require a site review, the department will withdraw its notice of intent to suspend your designation or will otherwise reinstate designation if a final decision suspending designation has already occurred.
  - (c) The department will notify the regional EMS/TC council of the actions it has taken.

- (3) The department will use the following process to revoke designation:
- (a) The department will notify you in writing if it intends to revoke your designation. It will send the notice at least twenty-eight days before it takes action, unless it is a summary revocation as provided for in the Administrative Procedure Act. The notice will include the reasons for the action, and describe your right to a hearing to contest the department's notice of intent to revoke your designation. If you request a hearing, a hearing before a health law judge will be scheduled. If you do not request a hearing within twenty-eight days of the date the notice was mailed to you, the revocation becomes final.
  - (b) The department will notify the regional EMS/TC council of the actions it has taken.
- (4) You may appeal final decisions to superior court under the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-490, filed 1/29/98, effective 3/1/98.]